

Appl. No. : 10/674,651  
Filed : September 29, 2003

### REMARKS

In the Office Communication of April 27, 2006, the Examiner found that the claims as amended were outside the scope of the elected invention. In a telephone interview on May 10, 2006 Applicants' representatives asserted that in the course of prosecution, applicants are normally allowed to amend claims to better define the invention and that the claims as amended in their February 21, 2006 response should be examined. The Examiner agreed that Claims 1, 15, 16, and 43-49 remain within the scope of the elected invention and should be examined.

However, the Examiner felt that Claim 33 is no longer drawn to elected Figure 6 but rather is drawn to the non-elected species of Figure 7. Applicant respectfully disagrees. Figure 6 illustrates a liquid source bubbler system comprising a by-pass conductance route through the bubbler tube configured to release excess gas pressure from within the inner gas space, thereby inhibiting liquid flow up the bubbler tube, as recited in Claim 33. This feature is also explicitly described in the specification, for example at ¶ [0052] which states that "a by-pass conductance is arranged for releasing the pressure difference between a feeding tube inlet 20 and a gas space 208 inside the source container." In the apparatus of Figure 6, "[w]hen the pressure at the inlet 20 becomes lower than the pressure of the gas space 208 of the container 10 above the liquid 204, gas flows backwardly through the walls of the porous feeding tube 600 into the upper part of the feeding tube. ... The gas flowing through the porous walls of the feeding tube 600 releases any overpressure before the pressure difference is big enough to push the precursor liquid backwards to the inlet 20. Thus, the pores of the feeding tube 600 serve as a by-pass conductance for releasing any overpressure in the gas space 208." See ¶ [0053] of the present application. Therefore, Applicant submits that Claim 33 reads on to the elected species of Figure 6 and respectfully requests that the Examiner reconsider withdraw the rejection of Claim 33.

Applicant notes that in the Interview Summary mailed on May 17, 2006 characterizes Claim 1 as being directed to a "bubbler connected to a CVD device" and that the art is now defined as "the CVD art." Claim 1 recites a "vapor deposition reactor" and thus is not limited to a CVD device.

Claim 1 is amended herein to further clarify that the porous element includes at least one opening positioned to be in communication with the liquid source chemical and a plurality of

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openings in communication with the inner gas volume. This amendment is fully supported by the specification as filed, for example at ¶ [0052]. No new matter is added by this Amendment.

As discussed in the February 21, 2006 Response, Claims 1 and 33 are not anticipated by Macey (U.S. Patent No. 1,103,709) or Utigard (U.S. Patent No. 6,231,641), as neither reference teaches or suggests an apparatus comprising a “gas outlet communicating with a vapor deposition reactor,” as currently recited in Claims 1 and 33. Macey is concerned with a carburetor and thus has no teaching or suggestion in Macey that the outlet 29 could be connected to a vapor deposition reactor. In fact the only vapor species taught by Macey, gasoline, would not be suitable for vapor deposition. Utigard is concerned with copper production within a furnace 10 and thus does not teach or suggest that the riser 12 could be usefully connected to a vapor deposition reactor. Further, the vapor species taught by Utigard, exhaust gases including sulfur dioxide, would not be suitable for vapor deposition. Utigard never teaches or suggests the disposition of the exhaust gases other than to say that they may be ultimately removed from the furnace. Claims 15, 16, and 43-49 depend from either Claim 1 or Claim 33. Thus, Claims 15, 16, and 43-49 each include a “gas outlet communicating with a vapor deposition reactor,” and recite unique combinations of features not taught or suggested by the cited art. Therefore, Applicant respectfully requests that the Examiner withdraw the rejections of Claims 1, 15, 16, 33, and 43-49.

### **Summary**

Applicant respectfully submits that, for the reasons provided above, all of the pending Claims are in condition for allowance. If any issues remain, the Examiner is cordially invited to contact Applicant's representative at the number provided below.

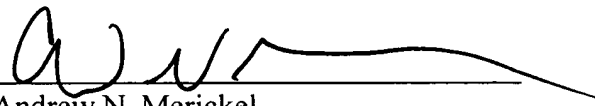
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: May 21, 2006

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